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jc43 U.S. PTO

**DIVISION - CONTINUATION - CONTINUATION-IN-PART  
APPLICATION TRANSMITTAL FORM**

Attorney Docket No.: A-548A

Anticipated Classification Of This Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Examiner  
Mary Mosher

Art Unit  
1648

jc821 U.S. PTO  
09/27/01  
10/09/01

To the Assistant Commissioner for Patents:

This is a request for filing a ☐ continuation ☒ divisional ☐ continuation-in-part application, under 37 CFR 1.53(b), of pending prior application Serial No. 09/161,241 filed on September 25, 19 98, of Bass, Sullivan, Theill and Wang for Novel DKR Polypeptides

**For CONTINUATION or DIVISIONAL APPLNs only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 1b, below, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

1. ☒ Transmitted herewith are:  
☒ 89 pages of specification, 5 pages of claim(s) and 1 page of abstract, totaling 95 pages.  
☒ 25 sheet(s) of drawings.  
☒ 3 pages of Oath or Declaration by the applicant(s):  
☐ a. Newly executed (original or copy)  
☒ b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional applns. only)  
☒ 25 pages of **paper copy** of Sequence Listing and 1 page of Attorney Statement Pursuant to 37 CFR 1.821(e)

2. ☒ The filing fee is calculated below:

For	Number Filed		Number Extra	Rate	Fee
Total Claims	18	- 20 =	0	x \$18.00 =	\$ 0.00
Independent Claims	5	- 3 =	2	x \$80.00 =	160.00
Multiple Dependent Claims	0			+ \$270.00 =	0.00
Basic Fee				\$710.00 =	710.00
Total Filing Fee					\$ 870.00

3. ☒ Please charge Deposit Account No. 01-0519, in the name of Amgen Inc., in the amount of \$ 870.00. An original and one copy are enclosed.
4. ☒ Throughout the prosecution of this application, if any extension of time is necessary, please consider this a request therefor.
5. ☒ The Commissioner is hereby authorized to charge any additional filing fees which may be required by the accompanying application, any additional fees which may be required during pendency of this application as required by 37 CFR 1.16 or 1.17, or credit any overpayment to Deposit Account No. 01-0519 throughout the prosecution of this application.
6. ☒ Cancel in this application original claims 18-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

**EXPRESS MAIL CERTIFICATE**"Express Mail" mail labeling number EL19879859USDate of Deposit: October 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231

Sherry St. Andrew  
Printed Name

Sh. St. Andrew  
Signature

7. ☒ Preliminarily, please amend the specification by inserting before the first line the following:

--This application is a ☐ continuation ☒ divisional of application Serial No 09/161,241, filed September 25, 1998, which is/are hereby incorporated by reference.--

8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)

8a. ☒ New formal drawings are enclosed.

9. ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 USC 119.

9a. ☐ The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_

10. ☒ The prior application is assigned of record to Amgen Inc.

11. ☒ A preliminary amendment is enclosed.

12. ☒ Also enclosed Information Disclosure Statement including Modified Forms 1449

13. ☐ Other: \_\_\_\_\_

14. ☒ The power of attorney in the prior application is to:

Nancy A. Oleski, Reg. No. 34,688

Ron K. Levy, Reg. No. 31,539

Steven M. Odre, Reg. No. 29,034

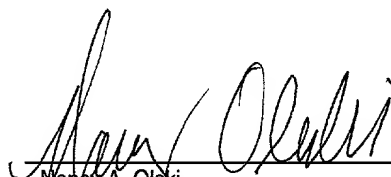
a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to Nancy A. Oleski at the address below.

Signator: ☐ Assignee of complete interest

☒ Attorney or agent of record

  
 Nancy A. Oleski  
 Attorney/Agent for Applicant(s)  
 Registration No. 34,688  
 Phone: (805) 447-6504  
 Date: October 9, 2001

Please send all future correspondence to:

U. S. Patent Operations/ NAO  
 Dept. 4300, M/S 27-4-A  
 AMGEN, INC.  
 One Amgen Center Drive  
 Thousand Oaks, California 91320-1799, USA



21069

PATENT TRADEMARK OFFICE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Michael Brian Bass, John Kevin Sullivan, Lars Eyde Theill, and Daguang Wang

Serial No.: Not Assigned Yet

Filed: Concurrently Herewith

For: Novel DKR Polypeptides

Docket No.: A-548A

**ATTORNEY'S STATEMENT PURSUANT TO 37 CFR § 1.821(e)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The computer readable form in this application, serial number not yet assigned, is identical with that filed in Application Serial No. 09/161,241, filed September 25, 1998. In accordance with 37 CFR § 1.821(e), please use the only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included herewith.

In addition, I hereby state that the paper copy of the Sequence Listing in this application and the computer readable form of the Sequence Listing submitted in the parent case are the same and contains no new matter.

Respectfully submitted,



Nancy A. Oleski  
Attorney/Agent for Applicant(s)  
Registration No.: 34,688  
Phone: (805) 447-6504  
Date: October 9, 2001

Please send all future correspondence to:  
US Patent Operations/NAO  
Dept. 4300, M/S 27-4-A  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, California 91320-1799

**EXPRESS MAIL CERTIFICATE**

"Express Mail" mail labeling number EL198798559US

Date of Deposit: October 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Sherry St. Andrew  
Printed Name

Sherry St. Andrew  
Signature